

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

KIMBERLY BANAGA; GERARD
BANAGA,

Plaintiffs,

v.

TAYLOR BEAN MORTGAGE, CO. et al.,

Defendants.

No. C11-4007 JSC

**ORDER RE: FIRST AMENDED
COMPLAINT AND SUBJECT
MATTER JURISDICTION**

Now pending before the Court is Plaintiffs' motion for leave to file a first amended complaint. As stated on the record at the hearing on September 29, 2011, Plaintiffs' motion is GRANTED. The Court will consider Defendants' motion to dismiss as if directed to the amended complaint. In doing so, to the extent appropriate the Court will consider the allegations made in the original complaint.

The amended complaint, however, only states claims against a single defendant: Cenlar F.S.B. Defendants properly removed this case to this federal court on the ground that Freddie Mac was a defendant. Since, as of the date of this Order, Freddie Mac is no longer a defendant, Defendants are directed to show cause as to why this Court can and should retain jurisdiction of this action. Defendants shall file their response on or before October 5, 2011. Plaintiff shall file any response on or before October 11, 2011. The Court will take the

1 matter of jurisdiction and Defendants' Motion to Dismiss under submission at that time.
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3 **IT IS SO ORDERED.**

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5 Dated: September 29, 2011
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Jacqueline S. Corley
7 JACQUELINE SCOTT CORLEY
8 UNITED STATES MAGISTRATE JUDGE
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